

1 ASHLIE L. SURUR, ESQ.
2 Nevada Bar No. 11290
3 asurur@lawhjc.com

4 **Hall, Jaffe & Clayton, LLP**
5 7425 Peak Drive
6 Las Vegas, Nevada 89128
7 (702) 316-4111
8 Fax (702)316-4114

9 *Attorneys for Sunrise Bay Owners’*
10 *Association*

11 **UNITED STATES DISTRICT COURT**
12 **DISTRICT OF NEVADA**

13 HSBC BANK USA NATIONAL
14 ASSOCIATION, AS TRUSTEE IN TRUST
15 FOR THE REGISTERED HOLDERS OF ACE
16 SECURITIES CORP., HOME EQUITY LOAN
17 TRUST, SERIES 2006-FM2, ASSET BACKED
18 PASS-THROUGH CERTIFICATES

19 Plaintiff,

20 vs.

21 SUZANNAH R. NOONAN IRS, LLC, a
22 Nevada Limited Liability Company; SUNRISE
23 BAY OWNERS’ ASSOCIATION, a Nevada
24 non-profit corporation; NEVADA
25 ASSOCIATION SERVICES, INC., Nevada
26 Corporation;

27 Defendants.

Case No.: 2:16-cv-01216-KJD-NJK

STIPULATION AND ORDER TO
EXTEND DISCOVERY DEADLINES

(Second Request)

28 Pursuant to Pursuant to Local Rules (“LR”) 6-1, 6-2, 7-1, and 26, Defendant, Sunrise Bay Owners’ Association (“HOA”), by and through its attorney of record, Ashlie L. Surur, Esq., of the law firm of Hall, Jaffe & Clayton, LLP, Plaintiff, HSBC Bank USA National Association, as Trustee, in Trust for the Registered Holders of ACE Securities Corp., Home Equity Loan Trust, Series 2006-FM2, Asset Backed Pass-Through Certificates (“HSBC”), by and through its attorneys of record, Edgar C. Smith, Esq., and Victoria L. Hightower, Esq., of the law firm of Wright Finlay & Zak LLP and Defendant, Suzannah R. Noonan IRA, LLC (“Noonan”), by and through its attorney of record, Michael N. Beede, Esq., of the Law Office of Mike Beede, PLLC, stipulate to extend the discovery deadlines in the operative scheduling order [ECF No. 41] as set forth below.

1. Pursuant to LR 26-4(a), the parties stipulate that the following discovery was completed:

- The parties served initial disclosures.
- HSBC served expert disclosures.
- Noonan served written discovery on HSBC
- HSBC served written discovery on Noonan and HOA
- Deposition of Nevada Association Services is scheduled for March 16, 2018

2. Pursuant to LR 26-4(b), the parties stipulate that they need to complete the following discovery:

- The deposition of HOA
- The HOA will respond to written discovery propounded by HSBC
- The deposition of Noonan
- Any additional, necessary discovery permitted by the Rule of Civil Procedure

3. Pursuant to LR 26-4(c), the parties stipulate an extension is needed for the following reasons:

This is the parties' second request to extend discovery. The first request was necessary and granted because HOA counsel suddenly and unexpectedly lost a close family member in the October 1, 2017 shooting.

There is good cause to grant the requested second extension because scheduling conflicts prevent the parties from completing the remaining two depositions identified above. HSBC noticed the depositions of HOA and Noonan for March 16. HOA and Noonan are not available. The parties discussed rescheduling the depositions for March 19 and March 20, respectively and subject to an order extending time; however, these dates do not work for HOA or HOA's counsel. Therefore, the parties seek to reschedule these depositions within a reasonable time after March 30, 2018, as the HOA and its counsel are not available until after March 30, 2018. These deposition notices were served on March 1, 2018, so the parties were not able to bring this stipulation more than 21 days before the discovery deadline. This requested extension is limited in time and narrow in scope and will not unreasonably delay resolution of this matter.

1 There are factual issues that require further discovery through the remaining two depositions.
2 Completion of this remaining discovery will ensure that this matter is decided on the merits and
3 will assist the parties in preparing summary judgment motions designed to narrow the issues for
4 trial. The above demonstrates good cause for the extensions and excusable neglect.

5 HSBC and Noonan are currently meeting and conferring about written discovery served
6 by HSBC on Noonan and whether Noonan will be responding to that written discovery. In light
7 of the upcoming deadline, the parties agree to submit this stipulation with the understanding and
8 agreement that Noonan and HSBC have different positions on the timeliness of HSBC's written
9 discovery propounded on Noonan. The parties agree to address this issue through another
10 stipulation or written motion if Noonan and HSBC are unable to resolve the issue informally
11 through the meet and confer process.

12 4. Pursuant to LR 26-4(d), the parties stipulate to the following proposed schedule for
13 completing all remaining discovery:

14 (1) Discovery Cutoff Date: **April 20, 2018**

15 (2) Amending the Pleadings and Adding Parties: **Closed**

16 (3) Fed. R. Civ. P. 26(a)(2) Disclosures (Experts):

17 Initial Expert Disclosures under Fed. R. Civ. P. 26(a)(2)(C): **Closed**

18 Rebuttal Expert Disclosures: **Closed**

19 (4) Dispositive Motion Deadline: **May 21, 2018**

20 (5) Pretrial Order: **June 20, 2018**

21 If dispositive motions are filed, the joint pretrial order is due thirty (30) days from the
22 entry of the court's ruling on the motions.

23 (6) Fed. R. Civ. P. 26(a)(3) Disclosures: **In Pretrial Order**

24 The disclosures required by Fed. R. Civ. P. 26(a)(3) and any objections thereof shall be
25 included in the pretrial order.

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(7) Interim Status Report:

Closed

<p>Dated: March 15, 2018.</p> <p>HALL, JAFFE & CLAYTON, LLP</p> <p>By: <u>/s/Ashlie L. Surur</u> Ashlie L. Surur, Esq. Nevada Bar No. 11290 7425 Peak Drive Las Vegas, Nevada 89128 <i>Attorneys Sunrise Bay Owners Association</i></p>	<p>Dated: March 15, 2018.</p> <p>WRIGHT FINLAY & ZAK, LLP</p> <p>By: <u>/s/Victoria Hightower</u> Edgar C. Smith, Esq. Nevada Bar No. 5506 Victoria Hightower, Esq. Nevada Bar No. 10897 Wright Finlay & Zak, LLP 7785 W. Sahara Ave., Suite 200 Las Vegas, Nevada 89117 <i>Attorneys for HSBC Bank USA National</i></p>
<p>Dated: March 15, 2018.</p> <p>LAW OFFICES OF MIKE BEEDE</p> <p>By: <u>/s/ Michael Beede</u> Michael N. Beede, Esq. Nevada Bar No. 13068 2300 W. Sahara Ave, Ste 420 Las Vegas, Nevada 89102 <i>Attorneys for Suzannah R. Noonan IRA, LLC</i></p>	

ORDER

IT IS SO ORDERED.

**NO FURTHER EXTENSIONS
WILL BE GRANTED.**

DATED: March 16, 2018



United States Magistrate Judge